

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	:	<b>Case No. 1:09-CR-034</b>
	:	
<b>Plaintiff,</b>	:	
<b>v.</b>	:	<b>Senior Judge Beckwith</b>
	:	
<b>JEFFREY McCURDY, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	<b><u>ELEMENTS OF THE OFFENSE</u></b>
	:	

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**Count 1**

The elements of the offense of Conspiracy to Commit Bank Fraud and Wire Fraud, in violation of 18 U.S.C. § 1349, are as follows:

- First:**           That two or more persons conspired, or agreed, to commit the crimes of bank fraud and wire fraud;
- Second:**        That the defendant knowingly and voluntarily joined the conspiracy;
- Third:**         That a member of the conspiracy did one of the overt acts described in the indictment for the purpose of advancing or helping the conspiracy; and
- Fourth:**        That such act or acts occurred on or about the dates alleged in the indictment in the Southern District of Ohio.

**Count 9**

The elements of the offense of Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A(a)(1), are as follows:

- First:**           The defendant knowingly possessed without lawful authority, a means of identification of another person;

Second: The defendant did so during or in relation to the crime of bank fraud, a felony enumerated under 18 U.S.C. § 1028A(c); and

Third: Such act or acts occurred on or about the date alleged in the Indictment in the Southern District of Ohio.

Respectfully submitted,

GREGORY G. LOCKHART  
United States Attorney

s/Deborah D. Grimes  
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Elements of the Offense was served this 6th day of May, 2009, electronically on: all counsel of record.

s/Deborah D. Grimes  
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DEBORAH D. GRIMES (0078698)  
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